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# NATIONAL ASSEMBLY

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FIRST SESSION

FORTY-FIRST LEGISLATURE

## **Votes and Proceedings**

**of the Assembly**

**Tuesday, 31 May 2016 — No. 178**

**President of the National Assembly:  
Mr. Jacques Chagnon**

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**QUÉBEC**



The Assembly was called to order at 1.40 o'clock p.m.

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**ROUTINE PROCEEDINGS**

**Statements by Members**

Mrs. Vallée (Gatineau) made a statement to underline Victims and Survivors of Crime Week.

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Mr. Roy (Bonaventure) made a statement to congratulate Microbrasserie Le Naufrageur, regional winner of the OSEntreprendre Challenge.

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Mr. Carrière (Chapleau) made a statement to underline the 10th anniversary of Résidences de la Gappe.

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Mr. Picard (Chutes-de-la-Chaudière) made a statement to underline the 35th anniversary of Service d'entraide Bernières–Saint-Nicolas.

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Mrs. Tremblay (Chauveau) made a statement to underline Québec Aphasia Awareness Week.

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Mrs. de Santis (Bourassa-Sauvé) made a statement to underline the success of Mrs. Karine Delage, President of the public relations agency Karyzma Agency.

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Mr. Lemay (Masson) made a statement to underline the 30th anniversary of Groupe Plein Air Terrebonne.

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Mr. Gaudreault (Jonquière) made a statement to underline the 90th anniversary of the founding of the city of Arvida.

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Mr. Heurtel (Viau) made a statement to congratulate Mr. Deusdedit Mutima, recipient of the Lieutenant-Governor of Québec's Youth Medal.

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Mrs. Charlebois (Soulanges) made a statement to underline World No Tobacco Day.

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At 1.51 o'clock p.m., Mr. Ouimet, First Vice-President, suspended the proceedings for a few minutes.

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The proceedings resumed at 2.00 o'clock p.m.

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Moment of reflection

### **Introduction of Bills**

Mrs. Vallée, Minister of Justice, moved that leave be granted to introduce the following bill:

103 An Act to strengthen the fight against transphobia and improve the situation of transgender minors in particular

The motion was carried.

Accordingly, Bill 103 was introduced in the Assembly.

### **Presenting Papers**

Mr. Blais, Minister of Employment and Social Solidarity, tabled the following:

The 2015 annual report of the Conseil de gestion de l'assurance parentale.  
(Sessional Paper No. 2253-20160531)

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Mr. Fournier, Government House Leader, tabled the following:

The Government's reply to a petition tabled on 11 May 2016 by Mr. Jolin-Barrette (Borduas) on an amendment to legislation governing legal hypothecs;  
(Sessional Paper No. 2254-20160531)

The Government's reply to a petition tabled on 12 May 2016 by Mr. Rochon (Richelieu) on the eligibility of Sorel-Tracy's Biophare for the Programme d'aide au fonctionnement des institutions muséales;  
(Sessional Paper No. 2255-20160531)

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The reply to a written question from Mr. Gaudreault (Jonquière) on withdrawal of the petition filed by the US United Steelworkers union on US imports of raw aluminum – Question No. 177, *Order Paper and Notices* of 27 April 2016.

(Sessional Paper No. 2256-20160531)

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By leave of the Assembly to set aside Standing Orders 19 and 19.1, the President tabled the following:

The 2016–2017 legislative calendar of the Assembly.

(Sessional Paper No. 2257-20160531)

### **Presenting Reports from Committees**

Mr. Reid (Orford), Committee Chair, tabled the following:

The report from the Committee on Transportation and the Environment, which held public hearings on 24, 25 and 26 May 2016 within the framework of special consultations on Bill 100, An Act to amend various legislative provisions respecting mainly transportation services by taxi.

(Sessional Paper No. 2258-20160531)

### **Presenting Petitions**

Mr. H. Plante (Maskinongé) tabled the following:

The abstract of a petition on authorizing a left-hand turn on a green light in the Bellemare sector of Louiseville, signed by 24 citizens in the Bellemare sector of Louiseville.

(Sessional Paper No. 2259-20160531)

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### Oral Questions and Answers

The Assembly proceeded to Oral Question Period.

By leave of the Assembly to set aside Standing Order 53, Mr. Couillard, Premier, tabled the following:

A copy of a letter, dated 27 May 2016, to Mr. Denis Marsolais, Deputy Minister at the Ministère des Transports, de la Mobilité durable et de l'Électrification des transports, from Mr. Robert Lafrenière, Anti-Corruption Commissioner, concerning the request regarding disclosure of wrongdoing.

(Sessional Paper No. 2260-20160531)

### Motions Without Notice

By leave of the Assembly to set aside Standing Order 185, Mr. Couillard, Premier, together with Mr. Fortin, Minister of Culture and Communications, Mr. Gaudreault, Leader of the Official Opposition, Mr. Legault, Leader of the Second Opposition Group, and Mr. Khadir (Mercier), moved:

THAT the National Assembly honour the memory of Mr. Georges-Émile Lapalme, attorney, journalist, politician and first person to head the Ministère des Affaires culturelles and the Office québécois de la langue française when they were created in 1961;

THAT, in the context of the 55th anniversary of the Ministère de la Culture et des Communications, the Assembly highlight Mr. Lapalme's designation as a historical figure;

THAT it recall his substantial contribution to the development of Québec society.

By leave of the Assembly, a debate arose thereon.

The debate being concluded, the motion was carried.

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Mrs. Poirier (Hochelaga-Maisonneuve) moved a motion concerning acts of violence and vandalism against businesses in Hochelaga-Maisonneuve and Saint-Henri; this motion could not be debated for want of unanimous consent.

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Mr. Spénard (Beauce-Nord) moved a motion concerning acts of violence and vandalism against businesses and citizens of Hochelaga-Maisonneuve and Saint-Henri; this motion could not be debated for want of unanimous consent.

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Mr. Khadir (Mercier), together with Mr. Caire (La Peltrie), moved a motion that a public hearing be held within the framework of a parliamentary committee on Bill 87, An Act to facilitate the disclosure of wrongdoings within public bodies; this motion could not be debated for want of unanimous consent.

### **Notices of Proceedings in Committees**

Mr. Sklavounos, Deputy Government House Leader, convened the following committees:

- the Committee on Health and Social Services, to undertake clause-by-clause consideration of Bill 92, An Act to extend the powers of the Régie de l'assurance maladie du Québec and to amend various legislative provisions;
- the Committee on Institutions, to continue its clause-by-clause consideration of Bill 59, An Act to enact the Act to prevent and combat hate speech and speech inciting violence and to amend various legislative provisions to better protect individuals; and then, continue its clause-by-clause consideration of Bill 101, An Act to give effect to the Charbonneau Commission recommendations on political financing;



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- the Committee on Planning and the Public Domain, to continue its clause-by-clause consideration of Bill 83, An Act to amend various municipal-related legislative provisions concerning such matters as political financing;
- the Committee on Public Finance, to undertake clause-by-clause consideration of Bill 87, An Act to facilitate the disclosure of wrongdoings within public bodies;
- the Committee on Labour and the Economy, to continue its clause-by-clause consideration of Bill 70, An Act to allow a better match between training and jobs and to facilitate labour market entry.

### **Information on the Proceedings of the Assembly**

The First Vice-President, gave a directive in response to a question raised by the Deputy Second Opposition Group House Leader, during “Information on the Proceedings of the Assembly” on 26 May 2016, concerning the documents to be transmitted after the Deputy Minister of the Ministère des Transports, de la Mobilité durable et de l’Électrification des transports appeared before the Committee on Public Administration.

#### **DIRECTIVE FROM THE CHAIR**

The request for a directive from the Chair addresses two issues: first, enforcement of the *Act respecting Access to documents held by public bodies and the Protection of personal information* at the National Assembly; and second, the Ministère’s obligation to transmit the documents requested by the Committee on Public Administration.

The power to investigate, including the power to summon witnesses and to order the production of documents, has been recognized by the courts as inherent in a legislative assembly’s constitutional privileges. This privilege is codified in section 51 of the *Act respecting the National Assembly*.

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In a ruling handed down on 23 November 2010, the Chair found that the right to order the production of documents is one of the Assembly's most indisputable constitutional privileges. It is a recognized privilege of British-style legislative assemblies which allows them to efficiently discharge their government oversight role. In other words, a legislative assembly has the right to demand the production of any document it considers necessary for the exercise of its functions.

In that ruling, the Chair concluded that the *Act respecting Access to documents held by public bodies and the Protection of personal information* cannot limit the National Assembly's privileges.

Therefore, the Chair concludes that the provisions of the *Act respecting Access to documents held by public bodies and the Protection of personal information* cannot prevent the remittance of documents to either the National Assembly or a parliamentary committee.

As for the Ministère's obligation to remit the documents requested when the Deputy Minister appeared before the Committee on Public Administration, the Chair stresses that, as a rule, when a document is requested from a government department or public body during parliamentary committee proceedings, that department or body collaborates fully and remits the document to the Committee members so they can carry out their mandate efficiently.

The Committee has the authority, at all times, to demand the production of a document if it cannot count on the collaboration of the entity that holds the document. In such cases, the Committee must adopt a motion in the form of an order to produce a document.

If the entity involved is concerned about the nature of the information requested, it cannot unilaterally decide to withhold the information. In the case at hand, the Unité permanente anticorruption raised concerns regarding the importance of certain information. However, it is the Members' privilege to determine what they need in order to exercise their government oversight function. It is also up to them to determine whether measures need to be implemented to protect certain information that may appear in the documents requested.

Consequently, it is up to the Committee on Public Administration to determine what course of action it intends to take in the matter at hand.

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## ORDERS OF THE DAY

### Government Bills

#### *Report Stage*

The Assembly took into consideration the report from the Committee on Public Finance on its clause-by-clause consideration of Bill 97, An Act to amend certain Acts establishing pension plans applicable to public sector employees.

After debate thereon, the report was concurred in.

#### *Passage*

Mr. Leitão, Minister responsible for Government Administration and Ongoing Program Review and Chair of the Conseil du trésor, moved the passage of Bill 94, An Act to authorize the making of collective agreements with a term of more than three years in the public and parapublic sectors.

After debate thereon, the motion was carried and, accordingly, Bill 94 was passed.

### Government Motions

The Assembly held the debate on the motion that arose from the tabling of the Supplementary agreement amending the agreement on social security between the Government of Québec and the Government of the Republic of France for the first time, signed in Québec City on 28 April 2016, on 17 May 2016, by Mrs. St-Pierre, Minister of International Relations and La Francophonie.

This motion reads as follows:

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THAT, in accordance with section 22.3 of the *Act respecting the Ministère des Relations internationales*, the National Assembly approve the Supplementary agreement amending the agreement on social security between the Government of Québec and the Government of the Republic of France for the first time, signed in Québec City on 28 April 2016.

Mr. Ouimet, First Vice-President, informed the Assembly of the allocation of speaking time for the proceedings with respect to this limited debate: 56 minutes 30 seconds to the parliamentary group forming the Government; 33 minutes 26 seconds to the parliamentary group forming the Official Opposition; 23 minutes 4 seconds to the Second Opposition Group; and 7 minutes to the independent Members, subject to a maximum of 2 minutes to the Member for Arthabaska. Within this framework, any time not used by the independent Members or by a parliamentary group shall be redistributed among the parliamentary groups in the proportions established above. Lastly, individual addresses shall not be limited.

After debate thereon, the motion was carried. Accordingly, this commitment was approved.

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The Assembly held the debate on the motion that arose from the tabling of the Supplementary agreement amending the agreement on students and participants in cooperation programs between the Government of Québec and the Government of the Republic of France for the second time, signed in Québec City on 28 April 2016, on 17 May 2016, by Mrs. St-Pierre, Minister of International Relations and La Francophonie.

This motion reads as follows:

THAT, in accordance with section 22.3 of the *Act respecting the Ministère des Relations internationales*, the National Assembly approve the Supplementary agreement amending the agreement on students and participants in cooperation programs between the Government of Québec and the Government of the Republic of France for the second time, signed in Québec City on 28 April 2016.

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Mr. Ouimet, First Vice-President, informed the Assembly of the allocation of speaking time for the proceedings with respect to this limited debate: 56 minutes 30 seconds to the parliamentary group forming the Government; 33 minutes 26 seconds to the parliamentary group forming the Official Opposition; 23 minutes 4 seconds to the Second Opposition Group; and 7 minutes to the independent Members, subject to a maximum of 2 minutes to the Member for Arthabaska. Within this framework, any time not used by the independent Members or by a parliamentary group shall be redistributed among the parliamentary groups in the proportions established above. Lastly, individual addresses shall not be limited.

After debate thereon, the motion was carried. Accordingly, this commitment was approved.

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The Assembly held the debate on the motion that arose from the tabling of the Protocole (029) of 2014 to the Forced Labour Convention, 1930 of the International Labour Organization, on 17 May 2016, by Mrs. St-Pierre, Minister of International Relations and La Francophonie.

This motion reads as follows:

THAT, in accordance with section 22.3 of the *Act respecting the Ministère des Relations internationales*, the National Assembly approve the Protocole (029) of 2014 to the Forced Labour Convention, 1930 of the International Labour Organization.

Mr. Ouimet, First Vice-President, informed the Assembly of the allocation of speaking time for the proceedings with respect to this limited debate: 56 minutes 30 seconds to the parliamentary group forming the Government; 33 minutes 26 seconds to the parliamentary group forming the Official Opposition; 23 minutes 4 seconds to the Second Opposition Group; and 7 minutes to the independent Members, subject to a maximum of 2 minutes to the Member for Arthabaska. Within this framework, any time not used by the independent Members or by a parliamentary group shall be redistributed among the parliamentary groups in the proportions established above. Lastly, individual addresses shall not be limited.

After debate thereon, the motion was carried. Accordingly, this commitment was approved.

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At 4.23 o'clock p.m., at the request of Mrs. Vien, Deputy Government House Leader, and by leave of the Assembly to set aside Standing Order 21, Mr. Ouimet, First Vice-President, suspended the proceedings until 7.30 o'clock p.m.

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The proceedings resumed at 7.30 o'clock p.m.

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## **Government Bills**

### *Report Stage*

The Assembly took into consideration the report from the Committee on Institutions on its clause-by-clause consideration of Bill 64, Firearms Registration Act, together with the amendment transmitted by Mr. Spénard (Beauce-Nord).

The amendment was declared receivable.

After debate thereon, the amendment was negatived.

The report was concurred in.

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Mr. Sklavounos, Deputy Government House Leader, moved the adjournment of the Assembly until Wednesday, 1 June 2016 at 9.40 o'clock a.m.

The motion was carried.

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Accordingly, at 8.35 o'clock p.m., Mr. Gendron, Third Vice-President, adjourned the Assembly until Wednesday, 1 June 2016 at 9.40 o'clock a.m.

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**ROYAL ASSENT**

On Tuesday, 31 May 2016 at 6.15 o'clock p.m. in the Office of the Lieutenant-Governor, in the presence of Mr. Arsenault, Director of Parliamentary Proceedings and Delegate of the Secretary General, the Honourable J. Michel Doyon, Lieutenant-Governor of Québec, was pleased to assent to the following bill:

- 94      An Act to authorize the making of collective agreements with a term of more than three years in the public and parapublic sectors

**JACQUES CHAGNON**

*President*